HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 80 (S/S) 2005

Sri B.B. Tripathi S/o Sri B.D. Tripathi,
R/o 77-B, Vasant Vihar, Chhoti Mukhani,
P.O. Bari Mukhani, Haldwani,
District Nainital. ...Petitioner

Vs.

1. Uttaranchal Power Corporation Limited,
   Through its Chairman/Managing Director,
   Dehradun.
2. U.P. Power Corporation Ltd.
   Through its Chairman/Managing Director,
   14, Ashok Marg, 'Shakti Bhawan' Lucknow U.P.
3. The executive Engineer (Electricity),
   Secondary Works Division,
   Uttaranchal Power Corporation, Bhotia Parao,
   Haldwani, Nainital.
4. The Chief Engineer, U.P. Power Corporation Ltd.
   4, Vikramaditya Marg,
   Lucknow. ... Respondents

Sri T.A. Khan, learned counsel for the petitioner.
Sri B.D. Upadhyay, learned counsel for respondent no. 1.

Hon'ble M.M. Ghildiyal, J.

Heard Sri T. A. Khan, learned counsel for the petitioner and Sri B.D. Upadhyay, learned counsel for respondent no.1.

The petitioner, by means of this writ petition has prayed to issue a writ in the nature of certiorari quashing the order dated 02.01.2002 passed by the Chief Engineer (Jal Vidyut), U.P. Power Corporation Ltd., 4 Vikramaditya Marg, Lucknow.

Vide impugned order, the petitioner has been awarded punishment on the basis of enquiry report submitted by Executive Engineer, Electricity/respondent no. 3 who was appointed as an Enquiry Officer in the matter.

The contention of the petitioner is that the executive Engineer was not Competent Authority to hold enquiry against the petitioner, in view of Rule-6 of the U.P. State Electricity Board (Officers and Servants) (Conditions of services)

Regulations 1978. Rule-6 provides that the Board may constitute Enquiry Committee to enquire into the allegations, complaints or charges against the officers and servants and instead of Enquiry Committee, the enquiry has been conducted by the Executive Engineer, which is a absolutely illegal.

Aggrieved by the impugned order, the petitioner has filed appeal before the Chairman, U.P. Power Corporation Ltd. as provided under Rule-6 Sub rule-5 of Regulations 1978.

The appeal was filed on 5th Feb. 2002 and the same is still pending before the Chairman.

Since the petitioner has already availed remedy available to him, it is in the interest of justice to direct the respondent no. 2, namely, the Chairman, U.P. Power Corporation Ltd., Shakti Bhawan, Lucknow to expedite the hearing of the appeal.

Accordingly, I direct the Chairman/Managing Director 14, Ashok Marg, 'Shakti Bhawan' Lucknow U.P. to decide the appeal of the petitioner within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

February 10,2005:
NCM: